

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

HUGO DILSON DIAZ-GARCIA, : CIVIL ACTION NO. 1:05-CV-0707

:

Petitioner : (Judge Conner)

:

v.

:

TROY WILLIAMSON, WARDEN, :

:

Respondent :

ORDER

AND NOW, this 8th day of August, 2005, upon consideration of the petition for writ of habeas corpus (Doc. 1) pursuant to 28 U.S.C. § 2241, challenging the validity of a sentence imposed by the United States District Court for the Western District of Texas (Doc. 1 at 6), and it appearing that the petitioner may challenge the validity of his sentence through an application for writ of habeas corpus in the district of sentencing pursuant to 28 U.S.C. § 2255, see id. (“An application for a writ of habeas corpus in behalf of a prisoner who is authorized to apply for relief by motion pursuant to this section, shall not be entertained [by a court other than the sentencing court] . . . unless it . . . appears that the remedy by motion is inadequate or ineffective to test the legality of his detention.”), and that potential legislative restrictions on petitioner’s ability to secure relief through an application for writ of habeas corpus in the district of sentencing pursuant to 28 U.S.C. § 2255 do not render that remedy inadequate or ineffective, see, e.g., Okereke v. United States, 307 F.3d 117, 120-21 (3d Cir. 2002); United States v. Brooks, 230 F.3d 643, 647

(3d Cir. 2000); In re Dorsainvil, 119 F.3d 245, 251 (3d Cir. 1997), it is hereby

ORDERED that:

1. The application to proceed *in forma pauperis* (Doc. 2) is GRANTED only for purposes of the filing of the above-captioned action.
2. The petition for writ of habeas corpus (Doc. 1) is DISMISSED for lack of jurisdiction.
3. The Clerk of Court is directed to CLOSE this case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge